

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 20277
	:	
Toru SHIMIZU, et al.	:	Confirmation Number: 9492
	:	
Application No.: 10/580,070	:	Tech Center Art Unit: 1789
	:	
Filed: May 19, 2006	:	Examiner: MOORE, Walter A.
	:	
For: FOOD PRODUCTS CONTAINING A FRUIT COMPONENT		

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board of Appeals from the decision dated November 2, 2011 of the Primary Examiner finally rejecting claims 1, 3, 5, 8, 11-14, 16-20, and 23-28.

Appeal Fee:

- ☐ Not required (fee paid in prior appeal in this application).
☒ Charge to Deposit Account No. 500417.
☐ Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP


Bernard P. Codd

Registration No. 46,429

**Please recognize our Customer No. 20277
as our correspondence address.**

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Date: January 27, 2012